

Good Afternoon Ladies and Gentlemen.

My Name is Charles Bocock. I live at  
51 Prospect Drive in Great Falls, Montana. *ph. 406-727-1964 d*

This piece of paper I am holding up,.....Which  
I will give each of you a copy is a page from the  
F.E.I.S. Pertaining to the Highwood Coal Fired  
Generation Station. This page is from chapter 3, p. 11.  
(attached)

Tim Gregori is the CEO and general manager of  
SME. Mr. Gregori is responsible for the FEIS, its contents and  
information.

This page I am about to hand you.....

Contains...a complete fabrication and out right dishonest and  
blatant untruth allowed by the developer.....Mr. Gregori in charge  
of.....and personally responsible for the material presented in the  
FEIS.

I Quote" (read the paragraph from EIS)

End quote.

Because all forms of Government consider the FEIS to be the  
gospel truth.....

Citizens are left with NO choice but litigation.....

Thank you for your time.

Studies by the U.S. Fish and Wildlife Service and the National Academy of Sciences indicate that lower reaches of the Missouri River are in serious decline and that action must be taken to reverse the damage and restore some semblance of the river's natural flow out of Fort Peck Dam if the pallid sturgeon, least tern and piping plover are to be saved from extinction (MRA, no date).

### 3.2.4 SURFACE WATER QUALITY

Both the federal Clean Water Act (CWA) and the Montana Water Quality Act require an ongoing program of water quality assessments and reporting as part of the process intended to protect and improve the quality of rivers, streams, and lakes in the state. The EPA administers the provisions of the CWA while the Water Quality Planning Bureau of DEQ provides water quality assessment of waters within the state. The state 303(d) list contains specific information relating to waters assessed as having one or more of their beneficial uses impaired or threatened by human activities. A water quality management plan must be developed for any water found to have beneficial uses impaired or threatened, to correct the causes of the identified impairments. In those cases where the impairment involves the need to reduce the load of specific concentrations in the water, the water quality management planning process must include the identification of a total maximum daily load (TMDL) for each pollutant causing any standards exceedances.

Water bodies listed as impaired or threatened in Montana include all of the major drainages downstream of the proposed project sites, including each of the reaches of the Missouri River in the Upper Missouri-Dearborn watershed, and Belt Creek in the Belt watershed (DEQ, 2004c) (Figure 3-7).

The Missouri River is listed as not supporting the beneficial uses of aquatic life, coldwater fishery, warm water fishery, and drinking water. Probable causes of the river impairment include PCBs, metals, siltation, turbidity, and thermal modifications. Probable sources of the impairment are listed as being industrial point sources, dam construction, hydromodification, and agriculture.

Belt Creek is listed as not supporting the beneficial uses of aquatic life, coldwater fishery, and drinking water. Probable causes of the stream impairment include metals, siltation, bank erosion, fish habitat degradation, and other habitat alterations. Probable sources of the impairment are listed as being highway/road/bridge construction, resource extraction, acid mine drainage, channelization, construction, hydromodification, agriculture, and grazing-related sources.

TMDL development has not yet begun for the impaired stream segments within the project area.

EXHIBIT 3  
DATE 2-18-09  
HB 483 / 566

February 18, 2009

To Federal Relations, Energy, and Telecommunications Committee

Dear Mr. Chairman Noonan and Committee Members:

I am Aart Dolman and reside in the City of Great Falls, and I am opposed to HB 483.

The intent of HB 483 is to limit litigation by forcing the public to post a bond when it desires to appeal an air or water quality permit. In addition, it narrows public commentary and participation in the permitting process for it makes a state agency less accountable, or responsible, in its oversight of protecting the public and its environment. This is not acceptable.

An almost perfect example is the current permitting process of the Highwood Generation Station project as proposed by developer SME. The public has had no recourse but to file for litigation because of inaccurate information presented by the developer.

The whole permitting process from the EIS process to the present was marked by inaccurate statements. Since it was a cooperative project between the Rural Utility Service/DEQ and developer SME in the FEIS, these materials were used for the permitting process from zoning to air quality. The fact is that from the beginning of the EIS process to the present the public had informed RUS and DEQ that the developer had presented inaccurate and questionable materials.

However, in response to the EIS hearings DEQ ignored, rejected, or downplayed as not important public comments. Needless to state, the response to public comment was a mockery of the entire permitting process. The result was that this agency issued permits based upon faulty if not distorted information or fact as presented by SME. ***(See attachment #1 about SME repeated public statements of the number of customers in their service area)***

As an Invited Consultant for the Section 106 Process of the National Historic Preservation Act, I was told by RUS during a Consultation meeting of the Section 106 Process of the National Historic Preservation Act that the matter of accuracy of the FEIS materials was a matter between SME and the public. ***(See attachment #2, top of the page 3-11, that the FEIS process was a collaborative effort between the RUS/DEQ and SME)***

In addition, the DEQ during the Senate Natural Resources Committee hearing, February 16, 2009, on SB 440 denied responsibility for the accuracy of materials that they utilized for the permitting process.

The blatant distortion of fact in the EIS, protested by the public during its hearings, was ignored by the RUS/DEQ and the SME developer. The statement that the area from the Dearborn River north to Fort Benton is "listed as not supporting the beneficial use of

aquatic life, coldwater fishery, warm water fishery, and drinking water” has reached the level of absurdity. One cannot help but wonder if the DEQ or SME had checked with the FWP for accuracy. *(See Attachment #2, FEIS, Chapter 3 Affected Environment, p. 11 and attachment #3 of fishing sites in the Missouri River)*

Since the HGS permitting process is based upon the FEIS, is it any wonder that 50 landowners in the immediate area filed litigation on the zoning issue against Cascade County? Is no one asking that a wide variety of organizations ranging from Historic Preservation to Environmental organizations including a SME Cooperative member have had to file for litigation?

Setting the bar of litigation at very high levels will not prevent the filing of public complaints in the legal system. It presents a state agency with very little responsibility overseeing the permitting process. Too often, at present, litigation is the only recourse left.

So please vote against HB 483.

Sincerely,

A handwritten signature in cursive script that reads "Aart Dolman".

Aart Dolman  
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# Missouri River (Three Forks to Park Benoit)

